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REFUGEE CONSULTATION

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HEARING

BEFORE THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-SIXTH CONGRESS

FIRST SESSION

ON

REFUGEE CONSULTATION

OCTOBER 16, 1979

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REFUGEE CONSULTATION

TUESDAY, OCTOBER 16, 1979

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The committee met, pursuant to notice, at 2:30 p.m. in room 2228, Dirksen Senate Office Building, Senator Strom Thurmond (acting chairman of the committee) presiding.

Present: Senators Thurmond and Simpson.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND [acting chairman]. I welcome all of you to this hearing pursuant to a request by the Attorney General for additional parole authority concerning immigrants. We have Ambassador Clark with us and Doris Meisner from the Justice Department, George Putnam from HEW.

We are very pleased to have you people with us today, and I want to take this opportunity to welcome you who have come to participate in this hearing to support the consultation for the exercise of additional parole authority for refugees by the executive branch of our Government. I do so with mixed emotions. The necessity for this consultation with the Senate Judiciary Committee saddens all present today.

On April 6 last, I was requested by the then Attorney General, Griffin Bell, to concur in the parole of additional refugees into the United States at that time. I informed the Attorney General I would not concur in the exercise of further admission of refugees into the United States by parole without prior consultation with the Senate Judiciary Committee.

My reasons for taking this position as ranking Republican of the Senate Judiciary Committee were and are basic. First, the Congress forfeits its traditional role of setting the policy for admission of immigrants and refugees of the United States by the use of parole authority by the executive branch of our Government. Second, the people of our Nation are informed about the parole admissions of refugees after the fact; that is to say, they learn of the parole when the admission of more refugees commences.

The Senate has expressed its strong belief in prior consultation by its passage of S. 643, the refugee bill of 1979 by a vote of 85 to 0. I am proud to have been a coauthor of such an amendment to S. 643. I have not come here today for or against additional parole of refugees into the United States. I am here today to express the will of the Congress to require proper consultation.

The executive branch of our Government has admitted in excess of 200,000 refugees under parole authority since 1975. This fact was the basis for the passage of S. 643 by such an overwhelming vote. Today, in my judgment, the executive branch of our Government has been remiss in its execution of our refugee policy. The hearing today should have been in July or August 1979. All the world knows the President of the United States committed the United States to take an additional 7,000 Southeast Asian refugees for a total of 14,000 per month. This commitment, without consultation of the Congress, was announced at the Tokyo summit conference in June 1979.

Such has been the pattern of execution of our refugee policy by the executive branch of our Government since 1977. The Congress has responded to the wishes of the people of our Nation in handling of the world refugee problem. I regret the same cannot be said of the executive branch of our Government.

As a Member of the Senate, I am committed to support the President in his proper execution of our foreign policy and refugee policy, but I will not waive the right of the Congress to consent and be consulted. Such is my position today as we open this consultation hearing with the Senate Judiciary Committee. My decision in the matter of additional parole shall be based upon the facts elicited here today.

Before we hear from the witnesses, I would like to place in the record a letter written to me on September 28, 1979, by Benjamin R. Civiletti, Attorney General, and a letter dated September 25, 1979, from the Department of State and signed by Warren Christopher, Acting Secretary; following that, a letter by me, dated October 4, 1979, to the Honorable Benjamin R. Civiletti, Attorney General, copy to Senator Kennedy attaching a letter written by me on April 6, 1979, to the Honorable Griffin B. Bell, Attorney General of the United States, and a letter to me dated October 3, 1979, from Senator Walter D. Huddleston.

Without objection those letters will be placed in the record.

[The letters referred to above follow:]

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 28, 1979.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR SENATOR THURMOND: Our present parole programs for admission of Indochinese and Soviet Jewish refugees expire October 1, 1979. When these programs were authorized on April 12, 1979, by Attorney General Bell, pursuant to consultations with the Congress, we believed future admissions of refugees would be within the framework of important new legislation under consideration by the Congress. Because that legislation is still pending, the Secretary of State (Acting) has requested that I exercise the authority vested in the Attorney General by section 212(d)(5) of the Immigration and Nationality Act to extend the parole programs that expire October 1, 1979.

Background information for the proposed section is contained in the correspondence from Acting Secretary Christopher and is provided for your use.

The parole action would authorize the monthly entry of 14,000 Indochinese and 3,000 Soviet and Eastern European refugees until the pending legislation is passed by Congress and consultations mandated therein are complete but no later than December 15, 1979.

I wish to extend my thanks and that of the Administration for your continued support of our refugee efforts most recently illustrated by passage in the Senate of the Refugee Reform Act of 1979. I look forward to a continuing close relation-

ship with you on these matters through the consultation process provided in the bill

I am available to consult with you at your request.

Sincerely,

BENJAMIN R. CIVILETTI,
Attorney General.

DEPARTMENT OF STATE,
Washington, D.C., September 25, 1979.

Hon. BENJAMIN R. CIVILETTI,
Attorney General.

DEAR MR. ATTORNEY GENERAL: As you know, the steadily worsening problem of Indochinese refugees since 1975, especially in the past 16 months, has obliged the U.S. Government periodically to enlarge its admission program, utilizing the parole authority vested in the Attorney General by section 212(d)(5) of the Immigration and Nationality Act (INA). The latest parole action was that of Attorney General Bell last April, taken with the President's approval, to authorize the admission of 40,000 refugees during the months of May through September. Of those 40,000, approximately half have traveled to the United States by this date, and are numbered among the 240,000 Indochinese who have entered this country since 1975. The remaining half have been specifically designated, and will arrive in the United States between mid-September and late October.

After President Carter announced in Tokyo last July that our monthly admissions would be increased from 7,000 to 14,000, subject to Congressional agreement through the appropriation of necessary funds, the Department of State and the Immigration and Naturalization Service (INS) increased the pace of overseas activities to ensure that the new level would be quickly met. In July, and again in August, the arrival rate here was less than 14,000, but we believe that the target will be met this month and perhaps exceeded to make up for the shortfall of the preceding two months. By October the entire processing system for selecting, examining, sponsoring and bringing refugees to their new home will be operating at a pace to meet the President's goal and commitment to the international community.

Essential to reaching and sustaining the level of 14,000 Indochinese refugee admissions in October and thereafter will be the continued availability of admission authority, whether through the parole provision of the INA or through superseding legislation, the Refugee Act of 1979. Since it is not now certain that the new legislation will be passed this month, I request that you exercise your discretionary parole authority to authorize the parole entry of 14,000 Indochinese refugees in October and each succeeding month until Congress effects a change in the law, the consultations mandated in the forthcoming legislation have been completed, and the admission procedures for refugees in fiscal year 1980 have been inaugurated. The processing "pipeline" can thus be kept full and no disruption in the program will be experienced.

At the same time, the European refugee program has grown, reflecting the increased rate at which the Warsaw Pact authorities have permitted Soviet Jews and Christians and other Eastern Europeans to leave that part of Europe. We have been processing many of these people for resettlement on the basis of the parole authorization signed by Judge Bell on April 12, 1979, permitting up to 25,000 Soviet and Eastern European refugees to enter the United States through September 30, 1979. The rate of departure of these people from those countries remains high, and we expect it to continue so throughout the next fiscal year at the very least. Because of the uncertainty about the new legislation, I further request you to exercise your discretionary parole authority:

(a) To extend the period in which the remainder of the 25,000 Soviet and Eastern European refugees may be used past September 30, 1979; and

(b) To authorize the parole entry of 3,000 Soviet and Eastern European refugees each month in the same manner as proposed for the 14,000 Indochinese refugees.

Ambassador Dick Clark, the U.S. Coordinator of Refugee Affairs, and his staff are prepared to work with officers of the INS and the Department of Health, Education and Welfare to provide you and the Judiciary Committees such information as may be required should you enter consultations with those committees.

Sincerely,

WARREN CHRISTOPHER,
Acting Secretary.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., October 4, 1979.

Hon. BENJAMIN R. CIVILETTI,
Attorney General, U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This will acknowledge and thank you for your letter with enclosure of September 28, 1979, in which you indicate that the State Department has requested you to exercise your refugee parole authority for 14,000 Indochinese refugees and 3,000 Eastern European refugees per month after October 1, 1979.

I am aware of the need for an extension of your parole authority under section 212(d)(5) of the Immigration and Naturalization Act if the United States is to continue its present refugee policy. However, in keeping with the spirit of S. 643, which was passed overwhelmingly by the Senate, and reported favorably by the Judiciary Committee of the House of Representatives, it is my judgement that there should be prior consultation with the respective Judiciary Committees of the Congress prior to the exercise of your emergency parole authority.

I would respectfully refer you to my letter of April 6, 1979, to your predecessor, the Honorable Griffin Bell, copy of which I enclose for your convenience. I stated therein that I would not consent to the further exercise of parole authority by the Attorney General granted under 212(d)(5) of the Immigration and Nationality Act, without a prior hearing before the Senate Judiciary Committee.

Further, in regard to additional parole being authorized by the Congress, I enclose a copy of a letter I received from Senator Huddleston of Kentucky, who desires to be heard in regard to the exercise of your parole authority. I know you are aware that Senator Huddleston and I are co-authors of the amendment to S. 643 which makes consultation a prerequisite before the exercise of the emergency parole authority.

The Senate spoke for all or our people when it passed S. 643. Our citizens and the Congress have a right to know our refugee policy. The Administration supported S. 643 in the Congress and should follow the intent laid down therein, notwithstanding the fact the bill has not yet become law.

The President of the United States announced the increase of Southeast Asian refugees from 7,000 per month to 14,000 admissions in June, while at the Tokyo Summit. There has been ample lead time for consultation. In my opinion, the Executive Branch has been remiss in the implementation of this policy change. The Congress should not be asked to forego its right of consultation. To do so would make S. 643, the refugee bill of 1979, a nullity.

I shall cooperate fully with the Administration and Senator Edward Kennedy, the distinguished chairman of the Senate Judiciary Committee, to schedule a hearing on an emergency basis in order that consultation with the Senate Judiciary Committee and other Members of the Senate may be had with regard to additional parole of refugees into the United States.

With kindest personal regards and best wishes.

Sincerely,

STROM THURMOND.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., April 6, 1979.

Hon. GRIFFIN B. BELL,
Attorney General, U.S. Department of Justice,
Washington, D.C.

DEAR JUDGE BELL: This will acknowledge and thank you for your letter in regard to the extension of your parole authority to admit 35,000 Southeast Asians and 25,000 Soviet Jews, all refugees from their homelands.

The United States of America and its citizens have responded generously to the needs of the world refugees in the past. I know our people will continue to do so. However, I know they expect their government to do so in an orderly manner, along with the other nations of the world.

The response of our Government to this problem in the past has been less than orderly. Further, I feel the method of this Administration continues to exceed the authority granted the the executive department by law. The role of the Congress has been usurped by the executive branch. This cannot continue, and I believe

this view is shared by an overwhelming majority of the Members of the Congress and our people.

Therefore, I consent to the extension of your parole authority in this most recent request with extreme reluctance. The Congress has not been consulted in the proper manner. The chairman and ranking minority member of the Senate Judiciary should not be the sole spokesmen for the U.S. Senate in a matter of such magnitude.

For the foregoing reasons, I shall not consent to any further exercise of your parole authority without a hearing before the Senate Judiciary Committee, where all Members of the Senate may have the opportunity to express their views on this subject if they so desire.

In that regard, I shall offer an appropriate amendment to S. 643, which is pending before the Senate Judiciary, to establish a permanent refugee policy to require the consultation of the Full Committee of the Judiciary Committees of both Houses of Congress, before the right of parole may be exercised in a like manner.

With kindest personal regards and best wishes, I remain.

Sincerely,

STROM THURMOND.

U.S. SENATE,
Washington, D.C., October 3, 1979.

Hon. STROM THURMOND,
U.S. Senate, Washington, D.C.

DEAR SENATOR THURMOND: It has come to my attention that Attorney General Civiletti has indicated he intends to exercise his parole authority under section 212(d)(5) to admit 17,000 refugees per month.

As you know, the use of the parole authority for large scale admissions of refugees has been recognized by previous Attorney Generals as beyond the scope of their authority. The intent of Congress in giving this authority to the Attorney General was to allow some discretion for individual emergency cases. In order to enforce this prior intent the House Judiciary Committee's version of the present refugee bill contains additional limitations on the use of the parole authority.

In light of the fact that the Congress has completed substantial work on the refugee bill and it will probably pass in the near future, any attempt by the Attorney General to excerise his parole authority now would be a repudiation of the authority of Congress to establish immigration policy. I sincerely hope that the Senate Judiciary Committee will be extremely protective of this Congressional authority.

In the event that the Attorney General decides to proceed with this new and expanded parole initiative, I believe that the Judiciary Committee should, at the very least, demand that the consultation provision contained in the Senate approved version of S. 643 be observed. As you know, my amendment to S. 643 established a formal process for advising the whole Congress prior to making a decision to admit large numbers of refugees. Senator Kennedy strongly supported the concept of consultation as required by my amendment and stated during debate that:

"The Senator from Kentucky wants to assure that we have a hearing on these special requests. That seems to be entirely desirable, that the information be made available to the Senate, that a report be made. I think that is advisable.

"What has happened in the past is that one or two members of the Judiciary Committee would be notified one evening and arrive the next. Perhaps an appropriations subcommittee would be marking up something at a particular time, and these matters would move on through without, I think, full notice and awareness of the Senate."

The strong consultation provision in my amendment was accepted by the Judiciary Committee, was unopposed by the Administration and was approved as a part of the bill by a vote of 85–0. I believe that this puts the Senate on record as wanting a public hearing and full disclosure of all facts regarding proposals to admit large numbers of refugees. The Administration has known for several months how many refugees it intends to admit in FY 1980 and should have all pertinent information readily available. I strongly believe that the administration should make a good faith effort to comply with the spirit of the consultation provision as outlined in S. 643 and I urge you to defend this Congressional right.

Sincerely,

WALTER D. HUDDLESTON.

[Following is a statement release of Senator Kennedy, accompanied with his letter to Attorney General Benjamin Civiletti concerning the review extension of the refugee parole program:]

[Press release, October 16, 1979]

STATEMENT OF SENATOR KENNEDY

Senator Edward M. Kennedy, chairman of the Senate Judiciary Committee, today urged the Administration to move expeditiously forward in admitting Indochinese and Eastern European refugees under the existing parole authority, pending enactment of The Refugee Act of 1979, (S. 643), which passed the Senate on September 6th by a vote of 85 to 0.

Senator Kennedy made his statement at a Judiciary Committee hearing on the Attorney General's request to continue his use of the parole authority, contained in section 212(d)(5) of the Immigration and Nationality Act, to admit additional refugees into the United States.

Senator Kennedy released the following text of his letter to the Attorney General relative to his consultations with the committee over the implementation of the parole request:

OCTOBER 5, 1979.

Hon. BENJAMIN R. CIVILETTI,
Attorney General,
U.S. Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Thank you for your letter of September 28, 1979 regarding your decision, at the request of the Acting Secretary of State, to extend beyond October 1st the current refugee parole programs for Indochinese and Eastern European refugees.

I fully understand the need for this decision pending final Congressional action on the Refugee Act of 1979 which, as you know, has already been overwhelmingly adopted by the Senate and has been favorably reported to the House of Representatives by the House Judiciary Committee. I agree that you should continue to exercise your parole authority under section 212(d)(5) of the Immigration and Nationality Act until the operative sections of the new act become law—hopefully within a few weeks—and consultations can begin under the terms of the new legislation.

However, pending those consultations, some members of the committee believe it would be useful—and in the spirit of the new legislation—to have preliminary consultations now. Therefore, while it has not been past practice of the committee, and there is no legal requirement, I believe it would be useful for the Administration to briefly review the interim parole request at a hearing we shall schedule immediately.

Finally, in implementing a continued parole program for Indochinese refugees—both in the interim and under the new law—it would be my view that you should use the parole numbers in a flexible manner and, in cooperation with the Secretary of State, allocate some in support of the recently negotiated orderly departure agreement signed between the U.N. High Commissioner for Refugees and the Government of the Socialist Republic of Vietnam. In order to assure that this important agreement is successfully implemented at this crucial, initial stage, I strongly believe parole numbers should be used whenever necessary, especially to expedite family reunion cases.

Again, after the hearing, you have my full concurrence in your decision to exercise the parole authority. With best wishes,

Sincerely,

EDWARD M. KENNEDY, *Chairman.*

Senator THURMOND. Our first witness today is Ambassador Clark who is a former Member of the U.S. Senate, and it is a great pleasure to have him here today.

Mr. Ambassador, we would be glad to hear from you.

STATEMENT OF AMBASSADOR RICHARD CLARK

Mr. CLARK. Thank you very much, Senator Thurmond. I am pleased to have the opportunity to consult with you on the extension of the parole programs for admissions of Indochinese and Soviet and East European refugees.

As you know, the programs authorized by Attorney General Bell on April 12, 1979, expired on October 1 of this year. In his letter to you on September 28, from Attorney General Civiletti, the letter which has just been put in the record, he explained that the administration originally believed the refugee admissions beyond fiscal year 1979 would be governed by provisions of the Refugee Act of 1979, but since the Refugee Act is still pending before the Congress, Warren Christopher, the Acting Secretary of State at the time, requested that Attorney General Civiletti exercise his authority under the Immigration and Nationality Act to extend the parole beyond their expiration on October 1, 1979.

This new parole program would authorize the admissions of 14,000 Indochinese and 3,000 Soviet and East European refugees a month until December 15, 1979 or until the Refugee Act is enacted and consultation completed on refugee admissions as required by the act, whichever date comes first.

The proposed rate of admissions of these two groups of refugees is the rate we had reached by the end of fiscal year 1979 to reflect the dramatic increases in the refugee flow from Indochina and the Soviet Union earlier in the year. In response to the crisis in Southeast Asia, President Carter announced at the Tokyo economic summit in June that the United States would increase its monthly admission of Indochinese refugees from the rate of 7,000 approved in April to a new rate of 14,000. The President's decision was obviously subject to congressional approval through the appropriations and authorizations of the necessary funds.

We are pleased that in August, the Congress did approve our supplemental budget request for the remainder of fiscal year 1979 which allowed us to begin accelerating our level of admissions of Indochinese refugees. Although congressional action on our 1980 budget request is not yet complete, we are also gratified to see the strong expression of support of our necessary funding in both Houses of the Congress.

In the interim, the continuing resolution permits us to continue admitting 14,000 Indochinese a month. The European refugee program also increased substantially in fiscal 1979, in response to our larger number of refugees leaving the Soviet Union. Although these refugees are permitted to leave to immigrate to Israel, about 60 to 70 percent of them have been requesting to come to the United States once they arrive in Vienna. We expect that the high rate of immigration and preference for the United States will continue through the coming fiscal year.

As you know, in part because of strong congressional interest, we accept any refugees from the Soviet Union who want to come to this country. We are pleased that there has been so much congressional interest and support for U.S. refugee programs, particularly in this committee. We also appreciate this committee's prompt approval of the Refugee Act of 1979. I am sure that you will have questions about the parole program, so let me stop at this point.

As you mentioned, Doris Meisner is here on my left from the Justice Department, and George Putnam from HEW and they are prepared, as I am, to try to answer questions on this subject.

Senator THURMOND. Mr. Ambassador, I have a few questions here.

According to an article in the New York Times yesterday, the number of refugees from Vietnam has dropped considerably since June, but is expected to increase again in the near future. What are the current admission levels of Indochinese refugees to the United States, and how is it being affected by these changes in the refugee flow overseas?

Mr. CLARK. The current rate is 14,000 per month projected for the remainder of the fiscal year 1980. The slowdown of the flow into Kompong Som, Southeast Asia, and to countries of first asylum has not affected the numbers we are bringing into this country simply because there are still 350,000 Indochinese refugees in camp, so until we can begin to get those numbers down to a reasonable level, we would not expect, at least in this fiscal year, to lower those figures below 14,000 per month, and that is what the Congress has approved.

Senator THURMOND. Has the character of these most recent numbers of refugees changed? Are they not as financially well off as earlier arrivals, in poorer health, and the like?

Mr. CLARK. Well, it has changed a good bit, I think, since 1975 and the fall of Saigon, most particularly in the area of English language, because those people who came out immediately, tended to be closely associated with the United States, worked with the U.S. Government, and so their English language, the percentage who could speak the English language was much higher at that time. I think it is also fair to say that people who come out at that time often came out, or at least sometimes came out, with some money. Now they tend to be absolutely destitute, having spent a great deal of time in camps, and so forth, and I think there is a greater tendency for them to come from rural areas. There is a greater tendency for people now to be of ethnic Chinese origin because of the policies of Vietnam. I think that those are the major areas of difference.

Senator THURMOND. As a matter of policy, there are four basic categories of persons who are given priority in terms of being sent from Vietnam to the United States. Are those priorities still being observed?

Mr. CLARK. Yes; indeed, they are. I might just mention those four categories: First, the category 1 person is someone who has an immediate family tie in the United States. They would be very similar to what we would call family reunion cases, I think, in the immigration program.

The second category are those people who worked for the U.S. Government, directly.

The third category are those people who have been associated with the United States in a more indirect manner; for example, they may have worked for an American company or they may have attended a university of the United States.

The fourth category is simply all of those who do not fall in one of the first three categories, and they are all being followed.

Senator THURMOND. Mr. Ambassador, do we really know which refugees were faithful to the American presence? Were not most of those loyal to the American presence brought out in 1975 and 1976?

Mr. CLARK. Well, there certainly was a tendency for those who were most closely associated with the United States to come out in 1975 and, certainly, that was always the intention even though it didn't work out that way always, because a great deal of confusion suddenly occurred in Saigon and throughout the country in the last few days, and there was no clear way to process a lot of the people that got on the boat, at least as I understand it, so it is not a cut and dried matter of all of those people who were associated at that time necessarily being chosen in such a selective way.

Indeed, we find now that many of the refugees that were taken have very close associations with the United States and have not been able to get out until this time. That is, they have worked for our AID program or worked for the American Government or have direct relatives in the United States. So there is certainly a tendency that way, but it is not a hard and fast rule by any means.

Senator THURMOND. Of the 14,000 per month requested by President Carter, can you give the committee a breakdown, if any, as to admissions based on the categories of refugees? In other words, is it simply a first-come basis or does the State Department have some priority basis worked out?

Mr. CLARK. Well, the State Department working with the Justice Department, the INS authorities, and so forth, follow the categories closely. That is to say, we would give preference to category 1 and second preference to category 2 and 3 and on down. Within the categories, however, it would depend largely upon what time that refugee arrived in a camp so that our category 1 obviously would not stay in a camp nearly as long as a category 3 or 4, but we follow the categories, and then within the categories, according to the length of time they have spent in the camps.

Senator THURMOND. Do the volunteer agencies have a voice in the admission decisions prior to a refugee's reaching the United States?

Mr. CLARK. Well, they are very much involved in the process. That is to say, voluntary agencies are generally responsible for making up the dossiers of these refugees. They're involved in getting the sponsors in the United States, handling the paper work, and so forth, but the final decision about who comes into the United States, who is going to actually be passed upon as a refugee and come in, is strictly a matter for the INS. They have the final decision and are assigned that by law, of course, so the voluntary agencies help with the process to prepare the process, but the decision rests clearly with the INS.

Senator THURMOND. I presume that the State Department takes full responsibility for the admission decisions made with regard to Indochinese refugees.

Mr. CLARK. Well, technically, by law, the responsibility of who comes in really rests with the INS rather than with the Department of State. We would always work closely with them in terms of foreign policy advice, but the responsibility would rest with the immigration service.

Senator THURMOND. For example, if a refugee were admitted to the United States under the parole program and it was later discovered he was a notorious felon, even a murderer, or a Communist spy, the State Department would have to answer for that kind of situation?

Mr. CLARK. Actually, the INS would, and I would be interested if Ms. Meisner has a different opinion. The Justice Department of INS would have the responsibility, I believe, to begin deportation proceedings against that refugee.

Senator THURMOND. I would be pleased to hear from you, Ms. Meisner.

Ms. MEISNER. That's correct. The admission of refugees to the United States is vested with the Attorney General and that authority is delegated to Immigration Service officers in the field. The Immigration Service and the State Department work very closely together overseas. There are more State Department personnel overseas working in refugee camps, for instance, than there are Immigration officers. But the actual admissions decision is made by the Immigration Service.

Senator THURMOND. Are the procedures being used to admit Indochinese refugees any different than the ones used for other refugee groups or different than those used before 1975?

Mr. CLARK. I think basically they are not different; that is to say that parole authority is used to bring the vast majority of refugees to this country, whether they are Indochinese or from some other part of the world, and this is done under the Immigration and Nationality Act, so I think basically it is the same program.

Ms. MEISNER. I would like to add to that. It is different only to the extent that it is more rigorous and——

Senator THURMOND. More what?

Ms. MEISNER. It is a more careful screening that is occurring now than occurred in 1975 and for some other refugee groups, for that matter.

Senator THURMOND. Which was the most careful screening, then or now?

Ms. MEISNER. I think we are screening more carefully now than we were at that time. That is simply because we have more time. We are in a situation where the refugees are in camps; we are staffed up, the system is working such that we get as complete a dossier as we can and, obviously, we——

Senator THURMOND. Where do you screen refugees?

Ms. MEISNER. In refugee camps.

Senator THURMOND. Where are the camps located?

Ms. MEISNER. Camps are in Malaysia, Thailand, Hong Kong, Indonesia, some in the Philippines.

Senator THURMOND. And when you screen those refugees, if it is deemed that a person is not a suitable person to come in, is he turned back, or is sympathy shown and he is brought anyway?

Ms. MEISNER. No; he is rejected.

Senator THURMOND. What mechanism is used to determine the locations for the placement of refugees? Is there an ad hoc committee within State, or is it in conjunction with the United Nations High Commission on Refugees?

Mr. CLARK. Actually the determination as to where a refugee goes is entirely up to who is prepared to sponsor that refugee. In other words, if a congregation, a church congregation, or group is prepared to sponsor and take a particular family and their relatives, then that family automatically goes to that area. There is no special commit-

tee to decide that. I might say, however, that we strongly encourage the voluntary agencies who really make this determination, get the sponsors, not to send people into areas that are already impacted if there is any alternative to that. We would try to avoid taking people who do not have relatives in the United States and putting them into an impacted area so that we can get a broader distribution around the country.

Senator THURMOND. As you know, under S. 643, the Refugee Act of 1979, as passed by the Senate, there is provision for notification to the Governors on the placement of refugees within their States. Is anything similar to that now being done?

Mr. CLARK. Well, in anticipation of the Refugee Act passing, we have begun now to talk both with the Governors and with mayors and with the voluntary agencies to develop such a reporting system, and we would hope that by the time the law is actually enacted, we are prepared to do that. We have already started that process.

Senator THURMOND. In an article in the Washington Post this past Sunday, it was pointed out that considerable pressure is being placed on the social services of local jurisdictions where Indochinese refugees are placed. Although this impact could be anticipated, are steps being taken to consider the impact of the cost of the reimbursement of these services?

Mr. CLARK. Yes, sir. There is a great deal being done to try to determine where that impact is taking place and relieve the local communities of that. As you are probably aware, an the continuing resolution, there was a special section specifically speaking of allowing HEW to continue funding the Indochinese program at the rate of $312 million a year, and we are working with many local communities to try to assure that cash assistance and medical support and other social services are provided through Federal funding for those refugees in order to relieve that impact in the local areas.

Senator THURMOND. If certain costs are not covered by the domestic assistance funds now authorized, will additional funds or funding authority be necessary?

Mr. CLARK. Yes, sir. There will be a supplemental request based on the new numbers coming up to the Congress.

Senator THURMOND. The anticipated costs for fiscal year 1980 is in the range of $400 million, is it not?

Mr. CLARK. Well, the Indochina program is $342 million, about $343 million.

Senator THURMOND. Do you expect the cost of the refugee program under the current request to exceed that amount?

Mr. CLARK. I would think not. I think we planned on the Indochina program 14,000 per month, plus care and maintenance of refugees in Southeast Asia, and I think that certainly every indication at this point seems we would not need additional funds.

Senator THURMOND. Much of the cost associated with the refugee program, I take it, is administrative in nature and not direct assistance to the refugees. Could you provide the committee with a breakdown of those costs?

Mr. CLARK. I will provide the committee with a breakdown. Let me say that the total cost of all administration for all refugee programs, not just Indochinese, but Soviet East European, African, Middle

Eastern, and so forth is—about 1.5 percent of the total cost is administrative, or about $12 million. So, it is a fairly small percentage, but I could provide the exact breakdown of those.

Senator THURMOND. During the consideration of S. 643, there was some debate on how long the Federal or State government should provide support for refugees. I took the position that 2 years was enough, but others may differ. In your experience with this refugee program so far, is 2 years enough time for these people to become assimilated into our society?

Mr. CLARK. It is my judgment that the 2-year limit is the best. I think that people can become too dependent on public assistance if it extends beyond that. We have supported the idea of the 2-year program.

Senator THURMOND. While we have been talking mostly about Indochinese refugees, is there a possibility of a large influx of refugees from Eastern Europe or another part of the world in the near future?

Mr. CLARK. We see no likelihood of that at the present time, no indication that there would be a large inflow of refugees. Obviously, a great number of them are coming out of the Soviet Union presently, but we don't think that that would go up significantly in the coming months.

Senator THURMOND. When did the executive branch first conclude that parole admission would be needed during fiscal year 1980?

Mr. CLARK. I think when it became clear that the House of Representatives was not going to pass the legislation prior to the end of the fiscal year. In other words, that became fairly clear early in September, or by the 8th or 10th of September. I think that is about the time that we concluded that it was not going to be possible to operate under the new legislation; we would have to go back for parole.

Senator THURMOND. Does the executive branch have any projection for a refugee quota for 1981?

Mr. CLARK. Yes; we have told the two foreign policy committees of the two Houses that our projection would be at the same rate as fiscal year 1980; that is to say, 14,000 per month from Indochina, 3,000 per month from the Soviet Union and Eastern Europe. The President has been careful to point out that that is subject to his review prior to the beginning of each fiscal year. Our planning figure for the present time would be refugees at the same rate as this fiscal year.

Senator THURMOND. Does the executive branch plan to consult with the Congress prior to setting a refugee quota prior to October 1, 1980, for 1981?

Mr. CLARK. Absolutely, and it would be required by the new Refugee Act.

Senator THURMOND. I have been handed a mailgram addressed to Senator Orrin G. Hatch from Jerry Bradshaw, Utah County Commission which reads this way:

> Last week, 22 Indochinese boat refugees arrived in Utah County for resettlement (making a total of 450). A member of our board of health and the president of the Utah County Medical Association, Dr. Wells Brockbank, became alarmed because many of these refugees have not had a complete medical examination and are known carriers of parasites, TB and many communicable diseases. Some are now employed as food handlers in our local restaurants. Dr. Brockbank said that they are coming straight into the United States from the Far East without

the normal physical examination and clearances by the U.S. Government. In checking with the Immigration and Naturalization Service in Salt Lake City, Joe Earnheart, they informed me there is presently a waiver for the boat people and are not requiring the regular entry clearances and physical examinations into the United States.

Would you care to comment on that?

Mr. CLARK. Well, the regulations require that a complete physical examination be given to every refugee prior to entrance into the United States. Indeed, about 40 percent or, to be more exact, about 8 percent of the individual refugees are held in Southeast Asia because they cannot meet these standards, and when that involves their entire family that means that roughly 40 percent of all the refugees who have come in to be moved out of Southeast Asia are actually held because of physical reasons until they can meet with these requirements. They begin to get whatever medical attention is needed to do that. So it is our assumption that the medical screening that is done in Southeast Asia is done very, very carefully.

We just sent a team about 3 months ago from the Atlanta Disease Control Center to Southeast Asia to review these screening procedures ans, indeed, some changes were made at that time as a result of their review. We believe that it is a very effective medical screening process, but I would like very much to take that telegram, if I might, and call the people involved and make certain that, indeed, we are living up to what we think we are living up to.

Senator THURMOND. The telegram goes on to say:

Senator, we are very unhappy with the Federal Government's admissions waiver policy because of the tremendous burden it places on our local health department in searching out these boat people for health examinations to prevent a possible epidemic in our country. First, it seems like such an unwise departure of a traditional immigration policy of preventing diseases from coming into the country.

Second, the policy of an immigration waiver places an immediate burden on the local health department and one that has not been planned for or budgeted. It seems apparent that a few taxpayers are going to carry the burden to share the cost of the Nation's admissions policy. We need your help in two ways immediately:

One: Get the waiver removed so that the boat people will have a full and complete medical clearance (a clean bill of health) before disbursement into our communities. In 1975, the Government took Indochinese to Camp Pendleton for processing and health clearances before disbursement.

Two: Make sure Kennedy's bill S. 643 (Refugee Act of 1979) contains provisions to pay the impact on local government and not just refugee welfare, medicaid and medical examinations. At least a 10–15 percent administration cost to local governments should be included in the bill.

It is my understanding this bill has passed the Senate and is presently in the House Judiciary Committee chaired by Elizabeth Holtzman (D-N.Y.) and Minority Leader Hamilton Fish (R-N.Y.). Sincerely, Jerry Bradshaw, Utah County Commission.

From what he says, they are coming in without these examinations. Do you have any evidence that they are doing that?

Mr. CLARK. It is required.

Senator THURMOND. I am sure if you do, you would have done something about it.

Mr. CLARK. That's right. We are required by law to have physical examinations for every refugee who comes into this country. We have been assured by the Disease Control Center that Indochinese refugees that have been brought to this country in no way endanger the health

of the American people, but I think it would be wise for us to check out this individual case and see if there is a problem.

Senator THURMOND. I want to read this paragraph again. I think it is rather important.

Doctor Brockbank said they are coming straight into the United States from the Far East without the normal physical examination and clearances by the U.S. Government. In checking with the Immigration and Naturalization Service in Salt Lake City, Joe Earnheart, they informed me there is presently a waiver for the boat people * * *

Do you know anything about a waiver for the boat people?

* * * and are not requiring the regular entry clearances and physical examinations into the United States.

Now, is that true or not?

Ms. MEISNER. I don't know whether it is true in this specific case. The waiver that he might be referring to is a provision within the law that allows for certain medical conditions to be waived if the people will be in the custody of relatives who are already in this country. I have no idea in this case, of course, whether that is the situation, but that is the only waiver that I am aware of.

Mr. CLARK. Certainly, there is no waiver that says that a person can come into this country without a physical examination.

Senator THURMOND. That is what he says is being done. Either he is wrong or you all are in error in what you are saying.

Mr. CLARK. Well, we would like to talk with him.

Senator THURMOND. Well, would you get on the phone with him when we get through this hearing and see if it can be straightened out, because if that is happening in Salt Lake County, Utah County, it could be happening in other places.

Mr. CLARK. We have never had a report previously in the period that I have been here that anybody has been brought into this country without a physical examination, but I would be very pleased to——

Senator THURMOND. And if you find that an error was made somewhere and they did come in and a waiver was granted and you don't think it was, although he says it was, then are you prepared to take steps to correct this?

Mr. CLARK. Absolutely.

Senator THURMOND. Ms. Meisner, are you prepared to cooperate in that way, too, in the Justice Department in taking such steps?

Ms. MEISNER. Clearly, because it is ultimately our responsibility under the law to vouch for these cases.

Senator THURMOND. Mr. Putnam, whatever thoughts you have from the State Department, are you prepared to take steps to correct this?

Mr. PUTNAM. Absolutely, Senator. We have had a couple of incidents prior to this where these kinds of reports have reached us. We have worked with Amabssador Clark's staff to send people from the Center for Disease Control in Atlanta to check out those stories and to work with the local health authorities, and we will continue to work with Ambassador Clark on those types of situations.

Senator THURMOND. You can imagine how a local county commission would feel if people are coming in there with, as he says,

Doctor Brockbank became alarmed because many of these refugees have not had a complete medical examination and are known carriers of parasites, TB,

and many communicable diseases. Some are now employed as food handlers in our local restaurants.

Well now, we can't have that happening.

Mr. CLARK. Well, that is forbidden by law.

Senator THURMOND. Well, who is going to enforce the law; is that up to you, the Attorney General, or who?

Ms. MEISNER. It would ultimately be the Attorney General. As I said, we work very closely with the State Department, but we will, as Ambassador Clark said, respond and find out what the circumstances behind the telegram are.

Mr. CLARK. I will be very happy to provide this committee with the results of our finding.

Senator THURMOND. I wish you would do that because you can see how you can turn the whole American people against the whole program if they are allowing people to come in here, as they say here, who are "known carriers of parasites, TB, and many communicable diseases."

Mr. CLARK. That would also be in violation of the law if that were the case.

Senator THURMOND. Whatever community it has affected by people coming in like that, I am sure you can understand their concern.

We will have this copied and give all three of you a copy in the next 10 minutes.

[The mailgram received by Senator Hatch and an answering letter from the State Department follow:]

[Mailgram]

UTAH COUNTY COMMISSION,
Provo, Utah, September 26, 1979.

Senator ORRIN G. HATCH,
Russell Senate Office Building,
Washington, D.C.

Last week 22 Indochinese boat refugees arrived in Utah County for resettlement (making a total of 450). A member of our board of health and the president of the Utah County Medical Association, Dr. Wells Brockbank, became alarmed because many of these refugees have not had a complete medical examination and are known carriers of parasites, TB, and many communicable diseases. Some are now employed as food handlers in our local restaurants. Dr. Brockbank said they are coming straight in to the United States from the Far East without the normal physical examination and clearances by the U.S. Government. In checking with the Immigration and Naturalization Service in Salt Lake City (Joe Earnheart) they informed me there is presently a waiver for the boat people and are not requiring the regular entry clearances and physical examinations into the United States.

Senator, we are very unhappy with the Federal Government's admissions waiver policy because of the tremendous burden it places on our local health department in searching out these boat people for health examinations to prevent a possible epidemic in our county. First it seems like such an unwise departure of a traditional immigration policy of preventing diseases from coming into the country. Second, the policy of an immigration waiver places an immediate burden on the local health department and one that has not been planned for or budgeted. It seems apparent that a few taxpayers are going to carry the burden to share the cost of the Nation's admissions policy. We need your help in two ways immediately.

1. Get the waiver removed so that the boat people will have a full and complete medical clearance (a clean bill of health) before disbursement into our communities. In 1975 the Government took Indochinese to Camp Pendleton for processing and health clearances before disbursement.

2. Make sure Kennedy's bill S. 643 (Refugee Act of 1979) contains provisions to pay the impact on local government and not just refugee welfare, medicaid and

medicaid examinations. At least a 10–15 percent administration cost to local governments should be included in the bill.

It is my understanding this bill has passed the Senate and is presently in the House Judiciary Committee chaired by Elizabeth Holtzman (D-N.Y.) and Minority Leader Hamilton Fish, R-N.Y.).

Sincerely,

JERRY BRADSHAW,
Utah County Commission.

U.S. COORDINATOR FOR REFUGEE AFFAIRS,
Washington, D.C., November 16, 1979.

Hon. STROM THURMOND,
U.S. Senate

DEAR SENATOR THURMOND: At the hearing you chaired on October 16 on extending the current parole program for Indochinese and Soviet refugees, you read a mailgram to Senator Hatch from H. Jerry Bradshaw of the Utah County Commission in Provo, Utah. Mr. Bradshaw raised several concerns regarding the health of Indochinese refugees arriving in Utah County. You then asked Ambassador Dick Clark to provide you with comments on Mr. Bradshaw's mailgram.

I understand that immediately following the hearing the Department of Health, Education, and Welfare was asked to obtain information regarding Mr. Bradshaw's concerns. HEW subsequently provided the Office of the U.S. Coordinator for Refugee Affairs with a report. On the basis of that report, and other information, I would make the following comments:

(1) The Surgeon General of the United States has determined that the medical condition of arriving refugees does not create a threat to the general public health in this country, although many of the refugees do have health conditions which are personally significant for them, and which require follow-up treatment.

(2) The mailgram reflects a misunderstanding of current U.S. policy and practice regarding the medical screening of refugees from Southeast Asia. We hope that you will advise all concerned that, contrary to what the Immigration and Naturalization Service officer in Salt Lake City was reported to have said, the Federal Government has not waived "normal physical examinations and clearances" for refugees.

(3) Under Federal law, before being permitted to enter this country, Indochinese refugees receive the same medical screening that is required of others coming to the United States as immigrants. Briefly, the examination includes a history of present and past illnesses, a visual inspection for bodily abnormalities, and tests for venereal disease and tuberculosis. Immigration law excludes applicants from entering the United States who have active tuberculosis, any of the venereal diseases, infectious leprosy, mental retardation, and those who are insane or who have a history of insanity.

(4) If, after the required screening and medical history are completed, a refugee is found to have noninfectious tuberculosis, to be mentally retarded, or to have had a past "attack of insanity," Federal statutes do provide for a waiver of "excludability" which may be given if the refugee, like any other applicant for entry, is a close relative of someone already legally residing in the United States, and if arrangements for appropriate medical care have been made (and endorsed by a State or local health department).

(5) If a refugee with noninfectious or inactive tuberculosis is permitted to enter the United States (the decision is made on a case-by-case basis), he is screened at the port of entry by a U.S. Public Health Service quarantine officer who telephones or writes the local health department where the refugee in question will be resettled.

(6) From January 1, 1979 to mid-October, HEW's Center for Disease Control reports, 23 refugees who had tuberculosis (all noninfectious cases) were scheduled for resettlement in the State of Utah. None of the 23 was reported to be settling in Utah County. All but 4 of the cases were classified as inactive.

With regard to Mr. Bradshaw's desire that additional funds be provided for those local jurisdictions which have substantial numbers of refugees, we can report that HEW and this Office are analyzing the extent of the need for extra funds and we expect to have specific recommendations on this matter in the near future.

Finally, if you, Senator Hatch, or any Utah State officials wish to have more detailed information on refugee health questions, HEW's Office of Refugee Affairs

(telephone 202–245–8103) stands ready to provide whatever information you request. Please let me know if there is anything more I can do to be of assistance.

Sincerely,

MATTHEW NIMETZ,
Acting Coordinator.

Senator THURMOND. Senator Simpson of Wyoming may have some questions. Senator?

Senator SIMPSON. Thank you very much, Mr. Chairman, and welcome to you, Ambassador Clark, formerly one of our colleagues before I came upon the scene.

I am looking forward to working with you because I am one of the four Senate Members on the Select Commission on Immigration and Refugee Policy, along with Senator DeConcini, Senator Mathias, and Senator Kennedy. We have had two meetings, fascinating procedures and very important tasks for us. You are well aware of this and you and I have discussed it and I look forward to that continued association

This area of parole authority has caused me a great deal of concern since I came on the scene, especially after listening to General Bell and others reading testimony of others before him, and, of course, I need not reiterate how we got to this point with the hodgepodge of legislation for the last 30 years. We did a magnificent job of patchwork during that 30-year period, and even now while we are involved in the hearings which will start nationwide at various regional areas in connection with the Select Commission.

One of the things that concerns me of the parole authority is the actual language of section 1182(d), and I just would have to inquire whether you—obviously you do believe that it fits with what is being done with regard to these large numbers. But as I read it, where it states that under such conditions, "the Attorney General may in his discretion," it seems to me that we have lost sight of the world discretion and what it was really intended to mean; and then the phrase, "in the public interest, any alien applying for admission in the United States." Then it goes on and it refers to the singular in a couple of other locations, and that causes me concern just in the issue of the use of the English language and, more importantly, statutory language of the legislator. I just cannot conceive that it was ever intended to stretch to 14,000 per month. I know what your response will be, but has that concerned you, and has it concerned the Justice Department as to really the attempt to do this massive undertaking under that statute and not know that it is going to be challenged somewhere along the path?

Mr. CLARK. Well, I think that Doris Meisner might have something to add to this from the Justice Department. She has been involved longer than I have, but I think it concerns us a great deal and, as you indicated earlier, it certainly concerned Attorney General Bell. I suspect that anyone who has looked carefully at the question is concerned at the way in which the parole authority is being used.

As I understand the history of it, the fact that only 17,500 people could be brought to this country under the existing laws governing refugees, and only those who were fleeing communism, that when the Hungarian Revolution occurred, in 1956, and President Eisenhower felt strongly that some way had to be devised to bring these people

to the United States under very rapid circumstances, that it was interpreted that this section did, indeed, apply. In later circumstances involving Cuban refugees and other crisis situations around the world, it has continued to be used in that way with the support of the Congress authorizing and appropriating the funds to do it. I think there is a great deal of concern in question, and it is specifically Attorney General Bell who was very strong in recommending this new legislation so that that practice would revert to its pre-1956 practice of applying to individual cases. I think Doris might be more familiar with the details than I am.

Ms. MEISNER. Ambassador Clark has told the story quite fully. I would simply add that it is a matter of continuing concern in the Justice Department and it is the reason, one of the reasons, why the administration has so strongly supported the legislation which the Senate has passed. The legislation creates a statutory framework for what in the past has been, as you described, patchwork. Obviously, this is patchwork with some considerable support within this country, otherwise it would not have been able to occur. Nonetheless the present system is subject to serious question.

Senator SIMPSON. I don't have the text of S. 643 before me, but am I not correct that what we will be doing if the basic form of S. 643 should pass the House, something similar come our way, that we will change then the issue of conditional entry to one of what I would call permanent status; is that not correct?

Mr. CLARK. Permanent resident status.

Senator SIMPSON. Permanent resident status.

Ms. MEISNER. That's correct for the Senate bill.

Senator SIMPSON. And, of course that would seal the hole that is there, perhaps, as I see it, but certainly it is such a tentative and conditional statute that I think there is a tremendous hazard somewhere in America with our litigious nature, someone is going to light on that one with great gusto, and that concerns me because it will overturn some things. I just share those concerns.

I am sure you spent late hours in the Justice Department kicking that one around.

Do you consider this one really a type of emergency legislation? Would it be fair to say that it has that hinge?

Mr. CLARK. The Refugee Act?

Senator SIMPSON. Yes.

Mr. CLARK. I think it is for a number of different reasons, most of which you have spoken to: the question of the parole authority, the question of the trying to survive in a period with very large refugee numbers with patchwork legislation. We think it is of a very high priority and I know throughout the administration that is the feeling. Of course, in the House of Representatives now, we would hope that there will be a vote on this legislation within the next several days, and certainly, weeks.

Senator SIMPSON. In the House, have they not placed a limitation on parole authority which is much more restrictive? I am just asking. I have heard that, but really I have no document.

Mr. CLARK. I think in both legislation, both pieces of legislation, that the assumption would be that the parole authority would revert to its pre-1956 usage.

Senator SIMPSON. I know the great interest in this community of protecting one's turf and after 9 months here, I hope I don't fall into that one, but it does seem to me that the Select Commission is really addressing all the issues that everyone has talked about for the 9 months that I have been here. I would hope that we would be able to, with that Commission and its work, and I think it can be productive, kind of put a hold on all forms of refugee-immigration laws until we are able to process the way they were supposed to process by our charter so that we can address it all without what I call these continuing efforts of legislation. That concerns me.

I guess the other thing is that it seems to me that we have come now to the point of a moral obligation that to assist our less fortunate in the Third World it is now one of bringing them to our shoers instead of continuing with reasonable foreign aid, personnel, and technology so that they can remain in their own countries and be productive themselves. I see us slipping away from that mission. What is your thought on that?

Mr. CLARK. Well, I think that we would certainly prefer, whenever it is possible, and I know this is also the mandate of the United Nation's High Commissioner of Refugees when refugees cross the border, come out of their territory because of some civil strife or political persecution, the hope would be, and the encouragement is, for them to await an opportunity to go home again. In most circumstances, that is the best arrangement; that is, voluntary repatriation to the country from which they came. It is always the best arrangement.

Occasionally, we get into this kind of situation that we have with people coming out of Vietnam, or other parts of Indochina, where that likelihood just seems very, very small. They fled on a boat, they have arrived in a country of first asylum, Malaysia, Indonesia, let us say, then the country is left with huge camps and they are simply not prepared to resettle most of these people permanently. Sometimes because of ethnic animosities that are long-standing, but generally, there is very little hope of saying to Malaysia or Indonesia or Thailand that these millions of persons that have come out ought to be resettled in your country with our help. We proposed some help for that from time to time. Vice President Mondale's trip to Thailand 1 year ago proposed just such assistance, but so far these countries have not responded in a positive way to that.

Senator SIMPSON. Well, I don't lapse into philosophy on it, but you know our position is a place of haven and refuge is real and I am aware of that, but I still believe that we must remain selective and I think, in our spirit to be compassionate, that we are going to lose that which has been part of our policy for many, many decades and I think that concerns me. I hope that we will find, through the commission and through your efforts, what is the fairest and best way, but I can't help but think that I try to keep in mind that the important brand of fairness for which the commission and you should work toward is really the fairness of the present American citizen in all its uniqueness and diversity, because we are finding that these people are not assimilating like our other people did for many, many years. We are finding that to be a real problem where actually the minorities of our society are treating them as a lesser minority in many cases, and that's a problem. Then we get into the issues of racism and so on, and I know

that that clouds the issue. I have seen that one already—very real, very true.

Those are the things that we are going to have to address.

What is fair to the people of America in all their divergence, uniqueness, and minority status? Enough of that.

Thank you for your testimony and, as I say, I will look forward to working with you.

Mr. CLARK. Thank you very much. I think the commission offers us an opportunity we have not had for several decades to review the whole range of refugees, immigration, undocumented workers, and so forth, that we have not had previously and I think everyone interested in that subject, whether in government or out, is looking to the commission with great hope.

Senator SIMPSON. Thank you; so do I.

Thank you, Mr. Chairman. No further questions.

Senator THURMOND. Mr. Ambassador, when do you think you will run out of authority to carry on this program?

Mr. CLARK. In terms of the parole numbers, when do we run out of parole numbers so that we could continue? I would think at any day, given or take 3 or 4 days. We are just about out of numbers right now. Maybe someone with me who follows that on a daily basis could speak to it. Doris?

Ms. MEISNER. In Indochina, in the Southeast Asian program, we are, at this time, out of numbers; in the Eastern European and Soviet program, we have some numbers left, about 2,000.

Senator THURMOND. Senator Huddleston is very vitally interested in this question and he planned to be here and testify. He is tied up in the Interior Committee, I understand, but he has submitted a statement and I am having that statement duplicated and I would like each of you to have a copy of his statement.

Without objection, that statement will be entered in the record as part of this hearing.

[Senator Huddleston's letter has been entered into the record as one of several letters following Senator Thurmond's opening statement.]

Senator THURMOND. Mr. Ambassador, is there anything else you want to say?

Mr. CLARK. No.

Senator THURMOND. Ms. Meisner or Mr. Putnam, do you all have anything else to say?

Mr. PUTNAM. No, sir.

Senator THURMOND. I want to say this; I have been to Vietnam and this whole trouble is caused by the United States not winning that war over there which we should have done, and could have done. It saved all these lives and at any rate, that is water over the mill now, but I think that our Government has got to take a lead in getting other nations to cooperate with us. We just can't handle the refugees from all over the world.

Of course, it is attractive to come here. This is the greatest country in the world: high standard of living, more freedom, more opportunity from any standpoint you look at it. But, I think we have to restrict other countries to the quotas, the regular quotas. We are having an emergency right now and that is the reason you are doing what you are doing. I am wondering if you are showing the initiative in getting, for instance Brazil; there is a tremendous country in size. Australia

is a big country. The population in both of those countries is comparatively small. There are many other countries in South America and other places that could absorb and work with us in handling this refugee problem. We can't take all of them here. I would like for you to give that consideration and see if more can't be done to get other nations to absorb some of these refugees. I am getting a lot of complaints, complaints, I repeat, from the people in this country about the large number of refugees coming in here and then, if it is true that many of these refugees, as this telegram from Utah stated, have contagious diseases and are known carriers of TB and communicable diseases, you can understand the reaction that is going to take place here and affect your whole program. Public opinion can rise up and just stop it in its track.

So, my advice would be that you take steps so that we can first see if we can't get other nations to help us in this program to a great extent.

Second, we should be sure people are carefully screened before they do come here and do not have communicable diseases and aren't carriers of these diseases. I think these are reasonable requests, aren't they?

Mr. CLARK. May I say, Senator, in both of those areas, if I can just for a second, the Geneva Conference was an attempt to do precisely what you have suggested at the outset; namely, to get more countries involved in helping to take more refugees, and I think by any measurement, it was a great success at doing that. Countries from around the world, some 30 or 40 of them, volunteered to take significantly greater number of refugees. Australia, for example, that you mentioned, has taken in population, even more proportionate to their population per capita, even more refugees than the United States. Canada has done as well by increasing vastly now the number of refugees they are taking. Fifty thousand will be taken by Canada just in the next several months, so we have been able to greatly expand the numbers of countries that are participating in this program. At the outset, in 1975, the United States took virtually every refugee; France took some; but in the period since, we have been able to get many other countries involved in this and we think that is appropriate.

With regard to the medical screening, I should make it clear that every refugee is required to have a medical screening before they come into this country by law. My personal feeling would be that I would doubt that any person has come into this country without that screening but since this question has been raised by Senator Hatch's constituent, I would like to talk with them and get to the bottom of it and try to find out. We have been assured oyer and over by the Disease Control Center in Atlanta that the American people's health is in no way endangered by the entry of Southeast Asians into this country. So we would assume that that is the case unless we can find out evidence to the contrary.

Senator THURMOND. I am sending you down now a photostat of the wire that came in from the county commission in Utah addressed to Senator Hatch.

Another thing I would like to ask you is what method do you have to assist these people in getting work. In other words, suppose somebody wished to employ one of these refugees of certain qualifications, say, one who could speak English, and one that is an automobile

mechanic or one that is a housekeeper or what not. To whom do they apply? I think there are a good many people in the country that might be able to absorb some of these people.

For instance, right now, I could use a maid in my home. I like one that could speak English. I could pay her a good salary and give her a good home. To whom do I apply, for instance?

Mr. CLARK. Let me explain the process. When a sponsor in this country agrees to sponsor a refugee, and it is normally a church organization; sometimes it is a nonprofit group like the International Rescue Committee, but generally it would be a church congregation or group of individuals who have decided together that they will help that refugee. When they arrive, or sometimes simply the agency that sponsors the refugee, when they arrive, they take it upon themselves to work with those refugees to find jobs for them to in effect, learn to deal with our society; to take them to an employment office and to do all the things that one would do with another member of the family to try to help them. That is the first point.

Senator THURMOND. Well, do you have a list of people in different States that people could apply to?

Mr. CLARK. Yes.

Senator THURMOND. It seems to me that there ought to be a directory available that if you wanted to help one of these people or give a job to one of them, so you could inform people where to go.

Mr. CLARK. We can provide lists of voluntary agencies that do this resettlement. Beyond that, of course, they can get assistance in the normal way as any other American citizen in terms of the employment service, but very often language is a barrier. That is one of the reasons that we provide funds to teach basic English language to those people who cannot speak because until they can do that, it is pretty difficult for most of them to find employment.

Senator THURMOND. I understand Piedmont Tech in Greenwood, S.C. has a program. Are you familiar with that program?

Mr. CLARK. I am not.

Senator THURMOND. Who finances that program? Under whom does that program operate?

Mr. CLARK. Well, I am sure that that program is financed through funding to the Department of Health, Education, and Welfare.

Senator THURMOND. That is under HEW?

Mr. PUTNAM. I would assume so, Senator. If it is a job training program it is probably funded through our special projects grant to help the local communities with that sort of thing.

Senator THURMOND. It seems to me one of the most important things you could do for these people is get them off welfare as quick as you can, for the country's sake and for their sakes. It seems to me that if you had to use some of your money or funds to provide the organization to do that, it would be worthwhile.

Mr. CLARK. That is precisely what we——

Senator THURMOND. Right now, I am looking for a maid or housekeeper. I am going to see what you are going to do about it. [Laughter.]

This is a typical example; pay her a good salary; give her a good home. OK?

The hearing is adjourned.

[Whereupon, at 3:25 p.m., the hearing was adjourned.]

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